

REMARKS

Claims 9-16 and 24-47 are pending in the application. The Examiner objected to the drawings under 37 C.F.R. §1.83(a). The Examiner rejected Claims 9-16 and 24-35 under 35 U.S.C. §102(a) as being anticipated by: Ericsson, Multiple Scrambling Codes, TSGR1#5(99)724 (“Ericsson”); 3GPP TS 25.213 v2.0.0. (1999-4), Spreading and Modulation (“25.213”); and, 3GPP TS 25.211 v2.0.0 (1999-04), Mapping of Transport Channels onto Physical Channels (“25.211”). The Examiner rejected Claims 36 and 42 under 35 U.S.C. §103(a) as being unpatentable over Terashima (U.S. Patent 6,385,232) in view of Atarius (U.S. Patent 6,278,699) and Chen et al. (U.S. Patent 5,923,650). The Examiner rejected Claims 37-41 and 43-47 under 35 U.S.C. §103(a) as being unpatentable over Terashima in view of Atarius and Chen et al., and further in view of Ericsson, 25.211 and 25.213.

Please amend Claim 42 as set forth herein. No new matter has been added.

Initially, it is respectfully submitted that based on the subsequent remarks, the final marking of the Office Action must be withdrawn.

With respect to the objection to the drawings, the Examiner states that features of Claim 42 are not shown in the drawings. Claim 42 has been amended to address this objection.

Based on at least the foregoing, withdrawal of the objection to the drawings is respectfully requested.

In the previous Response Applicants raised issue with the Examiner’s use of multiple references as a basis for her §102 rejections. It is respectfully submitted that the Examiner has not properly replied to these arguments. In the Response to Arguments section of the Office Action the Examiner states several inaccuracies and inconsistencies. First, the Examiner states that Ericsson is a proposal for 25.213, and therefore is one reference. Although Ericsson might be a proposal to 25.213 in general, it cannot be a proposal to 25.213 v2.0.0 since 25.213 v2.0.0 has a

date prior to Ericsson, and therefore Ericsson is actually a proposed modification of 25.213 v2.0.0. Second, the Examiner states that the multiple references are used to show meaning and inherency of features of the main reference, Ericsson. Although on its face this response may appear to be correct, the Examiner goes on to actually rely on these references to show features unique to the secondary reference. These contradictions will be discussed in detail with respect to the art rejections below. Since the Examiner uses multiple references to reject Claims 9-16 and 24-35 under §102, the rejections must be withdrawn.

Turning now to the rejections under §102 and §103, please note that the Examiner has not addressed or responded to *any* of the arguments contained in the prior Response filed May 11, 2006. Based on this fact alone, in the very least, the final marking of the Office Action must be withdrawn. Full consideration of the arguments contained in the May 2006 Response is respectfully requested.

With respect to the rejection of independent Claims 9, 13, 24 and 30 under §102(a), the Examiner still relies on Ericsson, 25.213 and 25.211 to reject the claims. Applicants respectfully disagree. Each of the claims recites a secondary scrambling code identifier (ID). The Examiner equates a set of secondary scrambling codes of Ericsson with the secondary scrambling code identifier. A scrambling code or a plurality of scrambling codes cannot be equated with a secondary scrambling code identifier (ID), and therefore Ericsson cannot anticipate the claims. This entire concept and distinction between a secondary scrambling code identifier and secondary scrambling codes has been misunderstood by the Examiner.

Also, in examining Claims 24 and 30, the Examiner completely ignores that part of the wherein clause that states that the secondary scrambling code ID is determined with reference to the primary scrambling code. Proper examination is respectfully requested.

Based on at least the foregoing, withdrawal of the rejection of independent Claims 9, 13, 24 and 30 under §102(a) is respectfully requested.

With respect to the rejection of independent Claims 36 and 42 under §103(a), the Examiner states that the features of the claims are obvious over Terashima in view of Atarius and Chen et al. Terashima discloses a synchronization detection device and its method; Atarius discloses synchronization techniques and systems for spread spectrum radio communication; and, Chen discloses a method and apparatus for reverse link rate scheduling. None of the references teaches or discloses a secondary scrambling code identifier (ID) as recited in Claims 36 and 42. The Examiner actually cites the short code 44 of Terashima as disclosing the a secondary scrambling code identifier (ID). A short code cannot be equated with a secondary scrambling code identifier (ID).

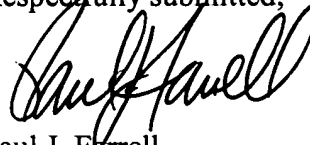
Also, in examining Claims 36 and 42, the Examiner completely ignores that part of the wherein clause that states that the secondary scrambling code ID is determined with reference to the primary scrambling code. Proper examination is respectfully requested.

Based on at least the foregoing, withdrawal of the rejection of independent Claims 36 and 42 under §103(a) is respectfully requested.

Independent Claims 9, 13, 24, 30, 36 and 42 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 10-12, 14-16, 25-29, 31-35, 37-41 and 43-47, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 10-12, 14-16, 25-29, 31-35, 37-41 and 43-47 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 9-16, 24-35 and 36-47, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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